

UNITED STATES DISTRICT COURT FILED
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DISTRICT OF MASSACHUSETTS 2005 APR -5 A 11:38

JOSEPH PETER SCHMITT, Pro se,) U.S. DISTRICT COURT
Plaintiff,) DISTRICT OF MASS
vs.) C.A. No. 04-10451-RWZ
JEFFREY SMITH, et al.,)
Defendants)

PLAINTIFF'S EMERGENCY MOTION FOR STAY OF ACTION

Now comes the Plaintiff in the above entitled action, Joseph Peter Schmitt, and moves this court for an **EMERGENCY STAY OF ACTION** so as he may obtain counsel to represent him in the above action and the companion case before this court; Joseph Peter Schmitt vs. Patrick Mulvey, et al. Civil Action No. 04-10717-RWZ.

As grounds the Plaintiff states the following under pains and penalties of perjury:

1. United States District Judge Rya W. Zobel made an ORDER on March 30, 2005 regarding "Plaintiff's Motion to Appoint Counsel (#31)" stating, "Although the court has not ruled on the motion, it has attempted since the beginning of the year, to secure counsel to represent plaintiff. So far its efforts have been fruitless. If counsel can be found, the motion will be allowed and counsel appointed. However, particularly in light of plaintiff's understandable impatience, unless the court is able to obtain counsel within the next 10 days, the motion will be denied."

2. Plaintiff, if he had been informed of this fact sooner,

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would have been able to assist in trying to secure counsel. However Plaintiff only discovered this fact on April 1, 2005 and now faces being forced to proceed in such a complex action with potential grave consequences, as this action has direct impact on his SDP Civil Action in the Worcester Superior Court.

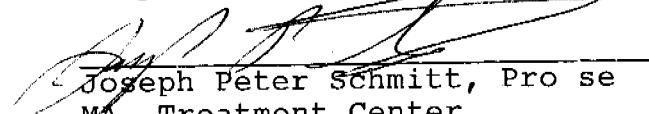
3. Plaintiff has absolutely no knowledge of what to do from this point on in his cases. He is unskilled in the law, and the fact that he has filed numerous actions in both the Superior Court and the U.S. District Court is not a showing of his abilities in law. Forcing Plaintiff to proceed pro se from this point on clearly violates his due process rights as he is facing an Attorney [more likely a staff of attorneys from the Department of Correction] who is highly skilled and has unlimited access to case law which the Plaintiff has absolutely no access to.

4. Plaintiff is now vigorously seeking assistance from counsel from various agencies and avenues available to him. This process shall take some time to acquire counsel able to represent Plaintiff in such a case.

WHEREFORE, Plaintiff requests this court grant the above motion and **ORDER A STAY OF ACTION** for a period not to exceed 60 days.

Dated April 4, 2005

Respectfully submitted,


Joseph Peter Schmitt, Pro se
MA. Treatment Center
30 Administration road
Bridgewater, Massachusetts
02324-3230

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CERTIFICATE OF SERVICE

I, the pro se Plaintiff, Joseph Peter Schmitt, hereby certify that a true copy of the above document was served upon defendants counsel Phillip W. Silva by institutional mail on April 4, 2005



Joseph Peter Schmitt, Pro se